

## STATE OF WEST VIRGINIA

At a regular term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on June 5, 2018, the following order was made and entered:

**RE: Request for Public Comment on Proposed Amendments to Rule 8 of the Administrative Rules for the Magistrate Courts of West Virginia (Addressing reimbursement for telephone services) 18-Rules-05**

The Court is considering an amendment to Rule 8 of the Administrative Rules for the Magistrate Courts of West Virginia regarding reimbursement to magistrates for their telephone services. The proposed amendment is hereby published for a thirty-day public comment period. Comments must be filed in writing with the Clerk of Court on or before **July 5, 2018**. The proposed deletions are indicated by strikethrough and the additions to the rule are indicated by underscoring to read as follows:

### **Administrative Rules for the Magistrate Courts of West Virginia**

\* \* \*

#### **Rule 8 Expenditures from magistrate court fund**

**(d) Telephone service ~~in magistrates' homes~~ for magistrates.** – A magistrate may choose to be reimbursed for either a landline telephone in their home or a cellular telephone, but not both. The base monthly telephone bill for telephones in the homes of magistrates is a reimbursable expense to the magistrate, paid by the county and chargeable to the magistrate court fund. The base monthly rate shall include only the cost to lease a basic service telephone on a single private line.

Reimbursement may be made for the base monthly charge only, and magistrates may not be reimbursed for long-distance charges, extension telephones, or other ancillary services. Magistrates may be reimbursed only upon completion of a "Certification of Entitlement" stating the telephone number of such personal telephone and affirming that it is a listed number available to the general public. Such "Certification of Entitlement" shall be filed with the Administrative Director of the Supreme Court of Appeals, who shall provide the certification with the signed approval of the Administrative Director to the county commission of each magistrate's county.

The cellular telephone reimbursable expense shall be no more than \$48.00 per month for basic cost of cellular telephone. The county shall not be required to reimburse magistrates for a minute plan or other ancillary services.

\* \* \*

A True Copy

Attest: /s/ Edythe Nash Gaiser  
Clerk of Court

